

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/696,674	LUTHARDT ET AL.	
	Examiner Mark Consilvio	Art Unit 2872	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 10/13/2005.
2.  The allowed claim(s) is/are 2-19 (and have been renumbered 1-18).
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/13/2005
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

The information disclosure statement (IDS) submitted on 10/13/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Kestenbaum (Reg. No. 20,430) on 12/22/2005.

The application has been amended as follows:

14. (Currently Amended) Binoculars with a rotary element (15), by the actuation of which axially displaceable lenses (14) are displaced for focusing[[,]]; wherein the a rotary movement introduced by the rotary element (15) is converted into a second rotary movement

with a greater rotation angle by means of a gear transmission stage (16)[[[,]]]; wherein the gear transmission stage (16) comprises a sun wheel (29) which is arranged coaxial to a hinge shaft (9) and which is connected to the rotary element (15) via an internally and externally toothed ring (21), ~~with a rotary element, by the actuation of which axially displaceable lenses are displaced for focusing;~~ and wherein a central adjustment shaft (35) is provided which executes, on actuation of the rotary element (15), an axial movement which corresponds to the axial movement displacement of the lenses (14), ~~with the sun wheel (29) being arranged coaxial to a hinge shaft (9).~~

*Allowable Subject Matter*

Claims 2-19 are allowed (and have been renumbered 1-18).

The following is a statement of reasons for the indication of allowable subject matter: Though the prior art discloses binoculars with a rotary element, by the actuation of which axially displaceable lenses are displaced for focusing; wherein a rotary movement introduced by the rotary element is converted into a second rotary movement with a greater rotation angle by means of a gear transmission stage; wherein the gear transmission stage comprises a sun wheel; and wherein a central adjustment shaft is provided which executes, on actuation of the rotary element, an axial movement which corresponds to the axial displacement of the lenses, the prior art of record fails to teach or suggest the aforementioned combination further comprising a sun wheel which is arranged coaxial to a hinge shaft and which is connected to the rotary element via an internally and externally toothed ring. Though transmission stages are known that include sun wheels connected to a rotary element via an internally and externally toothed ring in, for

example, the automotive field, it does not appear that one of ordinary skill would be motivated to look to such a field or be able to modify such an arrangement for use with a binocular focusing system at the time the invention was made.

With respect to claims 2-13 and 15-19, these claims depend on claim 14 and are allowable at least for the reasons stated *supra*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Consilvio whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*Mark Consilvio*  
USPTO Patent Examiner  
Jefferson, 3C21 AU-2872  
(571) 272-2453



**DREW A. DUNN**  
**SUPERVISORY PATENT EXAMINER**